## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:10-CV-00163-H

JOSE SEGOVIA and	)	
NORMA M. CALDERON CHAVEZ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<u>ORDER</u>
WELLS FARGO HOME MORTGAGE	)	
and LISA S. CAMPBELL,	)	
	)	
Defendants.	)	

This matter is before the Court on the motion of Defendant Wells Fargo Home Mortgage ("Wells Fargo") to strike Plaintiffs' discovery requests. [DE-20.] Plaintiffs filed no response, and the matter is ripe for decision.

Plaintiffs, proceeding *pro se*, filed this action on April 21, 2010, and filed a motion for entry of default on May 18, 2010 [DE-8]. On May 28, 2010, Wells Fargo specially appeared to contest jurisdiction and service of process [DE-12]. On June 11, 2010, Plaintiffs filed a request for documents and response to Wells Fargo's opposition to the motion for default [DE-17]. On June 15, 2010, the Clerk of Court entered an order denying Plaintiffs' motion for default based on failure to provide sufficient proof of service [DE-19]. On June 18, 2010, Wells Fargo filed the instant motion seeking to strike the portion of Plaintiff's June 11, 2010 filing that sought discovery.

A party may not seek discovery before the parties conduct a Rule 26(f) conference, except in limited circumstances not present in this case. Fed. R. Civ. P. 26(d)(1). At the time Plaintiffs filed their document requests, the parties had not yet conducted a Rule 26(f) conference. Additionally, discovery requests are not to be filed with the Court, pursuant to Local Civil Rule

26.1(a). The Court, therefore, concludes that Plaintiffs' discovery requests were premature and should be stricken from the record, and Wells Fargo shall have no obligation to respond to those document requests. Plaintiffs may submit those discovery requests to Wells Fargo at the appropriate time in conformity with the Federal Rules of Civil Procedure and the Local Rules of this Court.

Defendant's motion to strike [DE-20] is **GRANTED**.

This the <u>1</u> day of September, 2010.

DAVID W. DANIEL

United States Magistrate Judge